

MANISTEE CITY PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

May 1, 2003

A meeting of the Manistee City Planning Commission was held on Thursday, May 1, 2003 at 7:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

MEMBERS PRESENT: Bob Davis, Ray Fortier, Joyce Jeruzal, David Kelley, Phil Picardat, John Serocki, and Tony Slawinski,

MEMBERS ABSENT: Greg Ferguson and Roger Yoder

OTHERS: Tim & Judith Simonis (JAS Enterprises, 1005 Cypress Street), Alan Marshall (City Council), Ben Bifoss (Sand Products Corporation), Jeff Mikula (Abonmarche), Merlin Norby (News Advocate), Mr. & Mrs. Dennis Laskey (326 Eighth Street), David Horton (813 Concord Street), Tom Geoghan (286 Dunes Drive), Jon Rose (Community Development), and Denise Blakeslee (City Staff)

Meeting was open at 7:00 p.m. by Vice Chair Ray Fortier.

PUBLIC HEARING:

Zoning Amendment - Tattoo Parlors.

A Public Hearing has been scheduled to allow public input regarding draft language which has been developed to add under Article 5 - Definitions the definition of "*Tattoo Parlor*" and "*Tattoo, Tattooed, Tattooing*" and under Article 10: General Regulations - *Section 1065 Tattoo Parlors*. The City of Manistee does not currently have any regulations of where a tattoo parlor can be located. This language would allow a tattoo parlor to be allowed in either the C-1 Commercial District or the C-3 Commercial District.

A map showing the areas in which a tattoo parlor would be allowed after the 1,000 foot separation from Religion Organizations, Education Services, Sex Oriented Businesses and other Tattoo Parlors was shown to the Planning Commission. This map shows that the C-1 & C-3 Commercial Zoning Districts along US 31 north of the bridge would be the area where a tattoo parlor would be allowed.

When the language for tattoo parlors was prepared it was developed similar to the language in the ordinance for Sex Oriented Businesses. During the process of developing the map showing the 1,000 foot separation requirements a concern was raised about allowing tattoo parlors in the C-3 Commercial District with this district being located on Manistee Lake. With the value of lakefront property and the

desire to develop the lake frontage to its highest and best use staff would like the Planning Commission to determine if tattoo parlors should be allowed in the C-3 Commercial Zoning District or if the language should be removed from the ordinance amendment.

There being no further discussion the Public Hearing Closed at 7:06 p.m.

Zoning Amendment - Article 10. General Regulations. Section 1054.F Vehicular Parking Space, Access and Lighting.

A Public Hearing has been schedule to allow public input regarding draft language to amend Section 1054.F Vehicular Parking Space, Access and Lighting of the Zoning Ordinance. This proposed change is in response to a request from the Downtown Development Authority regarding residential uses in the C-4 Commercial District. This change would not require off street parking for Hotels and other Transient Lodging Places consisting of six or more units.

Jon Rose gave background information on the DDA studies that have been in the downtown district. Studies show that residential use should be encouraged downtown. The current zoning ordinance requiring off street parking detracts from renting units.

There being no further discussion the Public Hearing Closed at 7:09 p.m.

JAS Enterprises, LLC - Street Vacation Request

Tim & Judith Simonis, JAS Enterprises, 1005 Cypress Street have requested that the undeveloped portion of Tenth Street between Cypress Street and U.S. 31 be vacated. Mr. & Mrs. Simonis own and operate the car wash located at 1005 Cypress Street. The entrance drive to the car wash has been developed on the undeveloped portion of Tenth Street between Cypress and US 31. Due to the topography of the property Tenth Street will not be developed. The City does have utilities that will require an easement in the event the Street Vacation is approved.

Jon Rose gave history regarding the property in question. When McDonalds was looking at developing the property both the Planning Commission and City Council approved a request to vacate this portion of Tenth Street. Mc Donald's was not developed and the street was not vacated.

David Horton, 813 Concord Street asked if permission was given to JAS Enterprises to develop the driveway over the undeveloped portion of Tenth Street. Mr. Rose said that they were give permission to develop the driveway when the site-plan was approved.

Jeff Mikula, Abonmarche wanted the Planning Commission to know that the sewer that was placed under Tenth Street was quite deep and larger in diameter than most and may require a larger easement.

There being no further discussion the Public Hearing Closed at 7:18 p.m.

CITIZEN QUESTIONS AND CONCERNS:

None

APPROVAL OF MINUTES:

Planning Commission Meeting Minutes, April 10, 2003

MOTION by Joyce Jeruzal, seconded by Tony Slawinski that the minutes of the April 10, 2003 Meeting of the Planning Commission Meeting be approved. Motion approved unanimously.

NEW BUSINESS:

Zoning Amendment - Tattoo Parlors.

A Public Hearing was held earlier to allow public input regarding draft language which has been developed to add under Article 5 - Definitions the definition of "***Tattoo Parlor***" and "***Tattoo, Tattooed, Tattooing***" and under Article 10: General Regulations - ***Section 1065 Tattoo Parlors***.

Members of the Planning Commission discussed removing the language that would allow a tattoo parlor to be located in the C-3 Commercial District.

Motion by John Serocki, seconded by Bob Davis that the language allowing a tattoo parlor to be located in the C-3 Commercial District be deleted from the proposed ordinance. Motion passed unanimously.

MOTION by John Serocki, seconded by Joyce Jeruzal that the Zoning Amendment which adds the definitions of "***Tattoo Parlor***" and "***Tattoo, Tattooed, Tattooing***" under Article 5 Definitions and adds ***Section 1065 Tattoo Parlors*** under Article 10: General Regulations be forwarded to City Council for action (copy of Zoning Amendment is attached). Motion passed unanimously

Zoning Amendment - Article 10. General Regulations. Section 1054.F Vehicular Parking Space, Access and Lighting.

A Public Hearing was held earlier to allow public input regarding draft language to amend Section 1054.F Vehicular Parking Space, Access and Lighting of the Zoning Ordinance. This proposed change is in response to a request from the Downtown Development Authority regarding residential uses in the C-4 Commercial District. The proposed change would read as follows:

For all permitted and special uses in the C-4 Commercial District, except second floor dwelling unit(s), dwelling, duplex, apartments, Hotels and other Transient Lodging Places [70] consisting of six or more units, the parking provisions of this Section shall not apply.

Because the *City* provides public parking and because the downtown area consists of small parcels, with *building* occupying most or all of the *parcel* and because of the historic character of most of the Downtown Business District there are not any parking requirements for those uses in the Downtown Business District which is included in the boundaries of the Tax Increment Financing Authority, within the area where a Downtown Development Authority is levying an ad valorem tax in real property, and/or within a special assessment district established for purposes of the Downtown Development Authority and/or to fund public parking.

Members of the Planning Commission reviewed and discussed the proposed language.

MOTION by Joyce Jeruzal, seconded by John Serocki that the Zoning Amendment to amend Section 1054.F Vehicular Parking Space, Access and Lighting of the Zoning Ordinance be forwarded to City Council for action. Motion approved unanimously

JAS Enterprises, LLC - Street Vacation Request

A public hearing was held earlier in response to a request from Tim & Judith Simonis, JAS Enterprises, 1005 Cypress Street who would like to have the undeveloped portion of Tenth Street between Cypress Street and U.S. 31 be vacated. Due to the topography of the property Tenth Street will not be developed. The City does have utilities that will require an easement in the event the Street Vacation is approved.

Mr. & Mrs. Simonis were asked if a 66 foot utility easement would be acceptable to them. Mr. & Mrs. Simonis understand that they would not be able to construct a permanent structure over the easement.

MOTION by Bob Davis, seconded by Joyce Jeruzal that the request from JAS Enterprises (Tim & Judith Simonis) to vacate the undeveloped portion of Tenth Street between Cypress Street and U.S. 31 be approved with the condition that a utility easement be retained for the 66 foot right-of-way. Motion approved unanimously.

Laskey/Jurkoski - Parcel Split and Combination.

A request for a Parcel Split and Combination has been received from Dennis Laskey and Sally Jurkoski. Dennis Laskey resides at 326 Eighth Street (Parcel Code #51-51-647-717-05). Mr. Laskey would like to purchase 3 feet of property from Sally Jurkoski, 328 Eighth Street (Parcel Code #51-51-647-716-17) to increase the width of his driveway and eliminate an existing encroachment into the side-yard set-back. Staff review of the proposed split and combination shows that this request would meet all the requirements of the zoning ordinance.

Mr. Laskey explained the reason for the request. Mr. Rose said that the request meets all the requirements of the ordinance and recommends approval.

MOTION by Bob Davis, seconded by Tony Slawinski that the Parcel Split and Combination request from Dennis Laskey and Sally Jurkoski to split the east 3 feet of Sally Jurkoski's property (51-51-647-716-17) and combine it with Dennis Laskey's property (51-51-647-717-05) be forwarded to City Council. Motion approved unanimously.

Sand Products Corporation - Man Made Lake Site Plan.

Sand Products Corporation presented a Site Plan for the Planned Unit Development around Man Made Lake. This site plan includes the building footprints, curb cuts/driveways, and sidewalk for Phase I as approved in the Special Use Permit for a Planned Unit Development (PUD).

No action was required on this item.

Sand Products Corporation - Request to Amend PUD.

City Council approved the property transfer with Sand Products Corporation at the April 15, 2003 meeting. The property trade included the City transferring lots 3 & 4 to Sand Products Corporation. Sand Products Corporation would like to add these two lots (one building site) to the PUD. The Planning Commission needs to determine if adding lots 3 & 4 to the PUD results in a minor non-substantive change under Article 86 Special Uses, Section 8613. Amendment of Special Use Permits of the Zoning Ordinance. Section 8613 reads:

Amendments to Special Use Permits shall be handled in the same manner as the initial Special Use Permit application. However, minor non-substantive changes may be made to an existing Special Use Permit by mutual agreement between the city and applicant, if done prior to the issuance of an occupancy permit.

If the Planning Commission determines that the addition of lots 3 & 4 is a minor non-substantive change then an amendment could be made to the Special Use Permit - PUD.

If the Planning Commission determines that the addition of lots 3 & 4 is not a minor non-substantive change then we would have to hold a Public Hearing.

Members discussed the amount of public input and number of public hearings that have been held by the Planning Commission and City Council in regards to the PUD and property trade.

MOTION by John Serocki, seconded by Phil Picardat that the Planning Commission has determined that request from Sand Products Corporation to amend the Special Use Permit PUD by adding Lots 3 & 4 shall be considered to be a minor non-substantive change. Motion passed.

MOTION by Bob Davis, seconded by Joyce Jeruzal that with the Planning Commission determining the addition of Lots 3 & 4 a minor non-substantive change the Special Use Permit - Planned Unit Development shall be amended to include Lots 3 & 4 as part of the Planned Unit Development allowing

one additional building site changing the total number of building sites from 15 to 16. This change will require an updated site plan and legal description that includes the addition of Lots 3 & 4 to the PUD. Motion approved unanimously.

UNFINISHED BUSINESS:

Tony Slawinski asked for clarification from Jon Rose on what property was transferred under the property trade between the City and Sand Products Corporation.

OTHER COMMUNICATIONS:

Joyce Jeruzal asked about the advertisement in the paper for the recreation property on M - 55. Denise explained that the Parks Commission is looking for a feasibility study to be done on the property for possible recreational uses.

Joyce Jeruzal wanted to thank Denise for her efforts on the joint bus tour with Manistee Township. Joyce enjoyed the trip and enjoyed the opportunity to share information with our neighbors to the north.

WORK/STUDY SESSION:

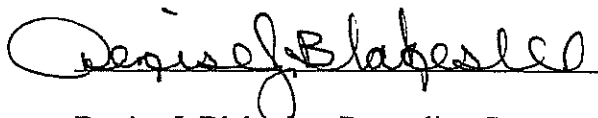
The Planning Commission will have a Worksession on Thursday, May 15, 2003 at 7:00 p.m. in the Council Chambers. The Planning Commission will continue the discussion on updating the Zoning Ordinance.

ADJOURNMENT:

MOTION by Bob Davis, seconded by Tony Slawinski that the meeting be adjourned. Motion passed unanimously.

Meeting adjourned at 8:03 p.m.

MANISTEE PLANNING COMMISSION

A handwritten signature in black ink, reading "Denise J. Blakeslee", written over a horizontal line.

Denise J. Blakeslee, Recording Secretary

Ordinance 03 - _____
AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING
ORDINANCE" WHICH WAS ADOPTED MAY 1, 1990, AS AMENDED,
TO AMEND THE MANISTEE CITY ZONING ORDINANCE
ARTICLE 5: DEFINITIONS
ARTICLE 10: GENERAL REGULATIONS
ADD SECTION 1065. TATTOO PARLORS

THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ORDAINS:

1. That Article 5: Definitions be amended by adding the following definitions:

TATTOO PARLOR means an establishment where persons are tattooed for consideration, other than by a licensed medical practitioner or cosmetologist; or any place where tattooing is regularly conducted whether or not it is in exchange for compensation.

TATTOO, TATTOOED, TATTOOING means any method of placing permanent designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance, by the aide of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin, or the production of scars or scarring, other than by branding.

2. That Article 10: General Regulations be amended by adding Section 1065. Tattoo Parlors as follows:

1065. Tattoo Parlors

- A. Purpose: It is recognized there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of surrounding neighborhoods. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.
- B. A Tattoo Parlor, in addition to all other applicable standards and regulations of this Ordinance, shall:
 1. Be located in the C-1 Commercial District.
 2. Be located at least one thousand (1,000) feet from Educational Services [82]; Religious Organizations [866]; Sex-Oriented Businesses and other Tattoo Parlors.

- C. A Tattoo Parlor shall be conducted entirely within an enclosed *building*, so no activity can be seen from a road or from the *property line*.
2. CONFLICTING ORDINANCES: All other ordinances and parts of ordinances, or amendments hereto, of the Manistee City in conflict with the provision of this ordinance are hereby repealed.
3. EFFECTIVE DATE: This Ordinance shall take effect on _____ upon publication in the Manistee News Advocate.

Richard Mack, Mayor Dated

ATTEST:

Michelle Wright Dated
City Clerk